

The author of the petition has refused to answer the following question and I would like the FAA to consider this question when they discuss this petition.

How do you justify the thinking that a 380 pound rotorcraft is okay for public safety but a 350 pound fixed wing is not okay for public safety?

Another thing to consider is the fact that many european countries and Australia have a more realistic single seat ultralight weight of 661 pounds maximum takeoff weight. When you consider that a 350 pound EW plane with 60 pounds of fuel and a 251 pound pilot equals 661 pounds takeoff weight our earlier requests for 350 pounds EW and 10 gallons of fuel suddenly looks very reasonable. Perhaps the FAA could consider changeing part 103 to agree with those international standards by specifying a maximum takeoff weight of 661 pounds without opening up part 103 with an NPRM. Perhaps some treaty or agreement already allows this.

Note that even at 661 pounds MTOW we are still discussing aircraft that are only approx. half the weight and speed of LSA. These aircraft are not in competition with LSA and are designed to be used entirely differently than LSA.

There are also some statements in the petition that are misleading at best.

The petition says:

"... for the purpose of permitting ASC, EAA, USUA, and NAPPF, to create the Ultralight Vehicle Safety Equipment research baseline per FAA Advisory Circular 103-7, paragraph 22."

Advisory Circular 103-7 actually says:

"DOCUMENTATION OF A TECHNICAL COMMITTEE'S FINDINGS. If an ultralight is found by a recognised technical standards committee to meet the requirements of 103.1 with respect to the items specified in paragraphs 18 through 21, the committee should issue a document confirming its findings. (See Appendix 4 for an example of this documentation.)".

That paragraph simply allows "a recognised technical standards committee" to examine an ultralight and fill out a document that says they certify the figures on that document are correct. It does NOT "create the Ultralight Vehicle Safety Equipment research baseline".

In fact that committee is not "recognised" by the FAA, they are "recognised" by the orgs that create them.

The FAA does not have to accept their certification and there are good reasons that the FAA should not accept their findings. The members of that committee do not have to meet any specific requirements of past experience or expertise and there is no penalty for false certification. Paragraph 3 b of AC103-7 clearly requires those committee members to be technically qualified. The petition as submitted certainly does not meet that requirement. See the requirements for committee members below and near the bottom of the petition.

Paragraph 24 b of AC107-7 discusses the use of satisfactory evidence of compliance. It is clear that the FAA prefers other methods and is not required to accept the committees findings. Considering the past abuse of the BFI exemption, the lack of qualifications of committee members, the lack of training of committee members, the lack of a specific procedure for certification and the lack of any penalty for fraud the FAA should not even consider such a document as evidence of compliance.

Lets look at this "Ultralight Vehicle Safety Equipment research baseline". To find any improvement in safety you must have a baseline. This so called research does not do that. The real baseline would be the number of hours flown per accident in 254 pound vehicles and that has never been documented by the FAA or the orgs. How can a safety study prove that 350 pound UL are safer than 254 pound UL if there is no documentation on 254 pound UL? This so called "study" is so faulty that no one can possibly take it seriously. It is simply an excuse for the orgs to extract money from their members that wish to use the exemption and it is an open invitation for fraud and abuse.

The petition says:

"As part of this exemption, ASC, EAA, USUA, and NAPPF, will establish Technical Standards Committees as described in FAA Advisory Circular (AC) 103-7, paragraph 22 through 24."

Why? There were no technical committees established for any other exemption the orgs operated under. They registered trainers sight unseen and this petition allows them to certify aircraft sight unseen even with a technical committee.

The ultimate responsibility for compliance rests on the individual and always has. The only reason for the so called safety study and the technical committee is to generate income for the orgs.

The petition says:

"This committee will:

1. Make acceptable findings will be based on individual make & model of ultralight vehicles or individual aircraft in the field. Subsequent operators of that make & model of ultralight vehicle may use the acceptable findings without having another inspection made, provided that there are no changes or modifications to the configuration, components, engine, propeller arrangements, or safety equipment of the basic model originally reviewed by the committee and the vehicle operator meets the minimum training requirements."

This method will allow you to get certification without the org ever seeing your aircraft. This is allowed under AC103-7 because the FAA envisioned UL as being like GA where the factory turned out a standard plane and pilots did not modify them. It is very common for UL pilots to modify their planes.

Any document issued this way is worthless if any modifications have been made to the aircraft. It is difficult for FAA field personell to determine if any modifications have been made. The existing methods and procedures for FAA field personell have worked well for many years.

The petition says:

"Minimum standards for Technical Standards Committee member management are as defined in the attached addendum. These standards include requirements for committee member qualification, training, review and control. Critical review processes are also defined. Each of the exemption holders will maintain standards that, as a minimum, meet these requirements."

You find those qualifications near the bottom of the petition. Those qualifications are hardly typical of FAA standards.

They are:

- 1 Be at least 21 years old.
- 2 Read, speak and understand english. It looks like it's okay if you can't write english.
- 3 Furnish 3 reference letters.
- 4 Thats all that is required. No technical experience is required.

Their required training is a joke. They only have to sign a statement that they will follow whatever written procedure the org gives them. That's it. No training is required.

There is no requirement of what that written procedure will be. It can be as simple and inaccurate as an org desires. The procedures can be different for each org. There is nothing to prevent that procedure from being completely meaningless.

Of course the org office has to review their findings and there is a correction procedure in case of complaints or problems.

Three members of the community who are to remain anonymous decide what's right. There are no requirements or penalties at all for those 3 members. That's not much of a way to handle complaints and/or problems and the potential for fraud is high.

This petition authorizes an unneeded safety study that by design can produce no useful data but can generate income for the exemption holders. The petition also authorizes a so called inspection committee that has no real qualifications but can generate income for the exemption holders.

Either or both of these items could have been done at any time by any of the orgs. They can still be done without this exemption. They have not been done because there was no way the orgs could make a profit from them. By includeing them in this petition they can make a profit from them.

Neither are needed for this exemption. The FAA has repeatedly said that they do not need anymore safety data on UL and safety data is already available for the existing trainers. The FAA already has procedures in place to check for compliance.